IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 20559 of 2007(S)

OP.632/2006 of FAMILY COURT, PALAKKAD
.....

PETITIONER:

K.ANUREKHA, W/O.N.ANAND, RESIDING AT
NO.20-21, SOUTH CAR STREET, CHIDAMBARAM,
TAMIL NADU.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS

RESPONDENT:

N.ANAND, S/O.M.NATARAJAN, RESIDING AT
BOKE, KAMRUP, ASSAM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

W.P.(C)No. 20559 of 2007 S

JUDGMENT

Koshy, J.

This writ petition is filed against the interim order passed on I.A.No.1721/06 in O.P.No.632/06 by the Family Court, Palakkad. The petitioner approached the Family Court by an interlocutory application for litigation expenses and pendente lite maintenance. The Family Court ordered Rs.10,000/- to be paid as litigation expenses, without ordering pendente lite maintenance for the reason that in M.C.No.2/05 maintenance is granted at the rate of Rs.3,000/- per month. It is contended that the above amount is also not paid. If the amount is not paid, the petitioner can move for striking off the defences. It is further contended that the amount is very meagre, as the respondent is an I.F.S. Officer and the petitioner is only a house wife. We are told that a revision

application is filed before the District Court against the order in M.C. Pendency of this case is no bar in considering the above revision application. We also note that under Section 25 of the Hindu Marriage Act, the Family Court is free to award permanent alimony and maintenance notwithstanding the order in M.C.No.2/05 and untrammeled by the order impugned.

2. In the above circumstances, we are of the view that there is no necessity to admit a writ petition now. The Judge, Family Court, Palakkad is directed to dispose of the original petition as expeditiously as possible.

This writ petition is disposed of as above.

(J.B.Koshy, Judge)

31st July, 2007

(K.P.Balachandran, Judge)

tkv